

MARTHA E. TEMPLETON AND EMMA T. WOOD.

FEBRUARY 2, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. BUCK, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 10212.]

The Committee on War Claims, to whom was referred the bill (H. R. 10200) for relief of Mrs. Martha E. Templeton and Mrs. Emma T. Wood, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fifty-third Congress (a copy of which is hereto attached and made a part of this report). Your committee adopt the said report as their own, and report herewith a substitute for the bill, sending the claim to the Court of Claims for adjudication, and recommend its passage.

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[House Report No. 1512, Fifty-third Congress, third session.]

The Committee on War Claims, to whom was referred the bill (H. R. 6729) for the relief of Mrs. Martha E. Templeton and Mrs. Emma T. Wood, submit the following report:

The claim embodied in this bill differs somewhat from ordinary claims for cotton captured during the rebellion. It is alleged that one Samuel Templeton was a planter in Louisiana, and that during the year 1863 he raised upon his plantation 30 bales of cotton, which he removed to what he regarded as a place of security, where the same was discovered and appropriated with other cotton by agents of the United States Quartermaster's Department. Subsequently the cotton was shipped to Cincinnati, where it was sold at public auction, and the proceeds thereof, amounting to between eight and nine thousand dollars, were covered into the Treasury. The said Templeton died intestate in the year 1872, and the claimants are his widow and daughter, his only heirs at law.

It appears from copies of correspondence that the assistant quartermaster who shipped the cotton subsequently became satisfied that it was wrongfully taken, that said Templeton was the lawful owner thereof, and that he was loyal to the Government, and he did what was in his power to have the wrong righted, but technical obstacles intervened and the matter passed beyond his jurisdiction, so that his efforts proved unavailing.

Compensation in whole or in part has never been made either to said Templeton or the present claimants.

It is manifest that if said Templeton was the owner of this cotton, and if he was also at the time it was appropriated a loyal citizen, then the taking was unlawful, and the present claimants have a just claim against the United States, at least to the extent of the proceeds of this cotton which reached the Treasury, and to that extent the United States may well be considered their trustee.

The practical difficulty about an immediate appropriation is that the proof is all *ex parte*, and it is not deemed judicious to appropriate so large a sum of money without some judicial determination of the facts.

But all the claimants ask is an opportunity to go into the Court of Claims to establish their rights, and this in all fairness ought to be accorded them.

Your committee therefore report a resolution as a substitute for the bill providing that this claim be referred for adjudication to the Court of Claims and recommend that the same do pass.